

Exhibit 22
Filed Under Seal

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE LLC,)
)
Plaintiff,)
)
vs.) Case Nos.
) 3:20-cv-06754-WHA
SONOS, INC.,) 3:20-cv-07599-WHA
)
Defendant.)
_____)

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF
DAVID DesROCHES

Tuesday, November 22, 2022
Remotely Testifying from Lexington, Massachusetts

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 5592685

<p>1 technology worked on or collaborated on between</p> <p>2 Google and Sonos?</p> <p>3 A. Yes.</p> <p>4 Q. And what do you recall?</p> <p>5 A. I recall being concerned that we would try 10:25:04</p> <p>6 to advance the Control API and Sonos already had an</p> <p>7 implementation in their app, and we had to be</p> <p>8 careful not to break that. So that was the</p> <p>9 technical concern we would talk about.</p> <p>10 Q. Anything else? 10:25:30</p> <p>11 A. And there was no -- to my recollection,</p> <p>12 there was -- there was no existing agreement as to</p> <p>13 the -- that -- the ownership of the IP that I was</p> <p>14 aware of. Again, it started before I got there,</p> <p>15 so -- 10:25:55</p> <p>16 Q. Okay.</p> <p>17 A. -- if there was --</p> <p>18 Q. I'm sorry, I didn't mean to cut you off.</p> <p>19 A. So I was not aware of -- of any IP</p> <p>20 agreement for the -- for the API. 10:26:06</p> <p>21 Q. When you say "for the API," which API are</p> <p>22 you referring to --</p> <p>23 A. The Control -- the Control API.</p> <p>24 Q. Okay. Are you aware of any agreement</p> <p>25 related to IP for the Cloud Queue API? 10:26:29</p> <p style="text-align: right;">Page 58</p>	<p>1 the testimony.</p> <p>2 THE WITNESS: I'm sorry, would you restate</p> <p>3 the question, please.</p> <p>4 BY MR. WILLIAMS:</p> <p>5 Q. Sure. 10:28:05</p> <p>6 Why were you concerned that there was not</p> <p>7 an ownership agreement between Google and Sonos for</p> <p>8 the Cloud Queue API specification?</p> <p>9 MR. RICHTER: Same objections.</p> <p>10 THE WITNESS: One moment. I'm just -- 10:28:19</p> <p>11 I'm -- I'm trying to -- I want to formulate</p> <p>12 something clear.</p> <p>13 BY MR. WILLIAMS:</p> <p>14 Q. Mm-hmm.</p> <p>15 A. I -- I knew that Sonos wanted the API to 10:28:43</p> <p>16 be part of the developer program that we discussed</p> <p>17 earlier. And, you know, I was -- you know, as an</p> <p>18 engineering manager, I was concerned about whether</p> <p>19 we had the freedom to change it to, you know -- to,</p> <p>20 you know, meet our needs and specifications. 10:29:23</p> <p>21 Q. And I just want to be clear. When you say</p> <p>22 you "knew that Sonos wanted the" -- "the API to be</p> <p>23 part of the developer program," are you referring</p> <p>24 specifically to the Cloud Queue API?</p> <p>25 A. I don't recall the di- -- how -- I don't 10:29:50</p> <p style="text-align: right;">Page 60</p>
<p>1 MR. RICHTER: Object to form.</p> <p>2 THE WITNESS: I'm not aware of any</p> <p>3 agreement.</p> <p>4 BY MR. WILLIAMS:</p> <p>5 Q. Do you recall having any discussions at 10:26:40</p> <p>6 Sonos during your employment regarding the ownership</p> <p>7 of the jointly collaborated Cloud Queue API?</p> <p>8 MR. RICHTER: Object to form. And I'll</p> <p>9 instruct the witness to exclude from his answer any</p> <p>10 conversations he may have had with counsel. 10:27:00</p> <p>11 But otherwise, he can answer.</p> <p>12 THE WITNESS: I re- -- I remember it was a</p> <p>13 concern, but I don't remember any specific</p> <p>14 conversations.</p> <p>15 BY MR. WILLIAMS: 10:27:12</p> <p>16 Q. When you say "it was a concern," what do</p> <p>17 you mean by that?</p> <p>18 A. I was aware that -- that -- I was</p> <p>19 concerned that there was no agreement, and we were</p> <p>20 trying to proceed, but -- but I don't recall any 10:27:35</p> <p>21 specific conversations.</p> <p>22 Q. Why were you concerned that there was not</p> <p>23 an -- an existing agreement for the Cloud Queue API</p> <p>24 specification?</p> <p>25 MR. RICHTER: Object to form. Misstates 10:27:57</p> <p style="text-align: right;">Page 59</p>	<p>1 recall a -- a distinction between the Control API</p> <p>2 and the -- and the Cloud Queue API. I know they</p> <p>3 were related, but I don't recall the -- the places</p> <p>4 where one was applicable and one was not.</p> <p>5 Q. Okay. So your understanding was that 10:30:11</p> <p>6 there was not an ownership agreement for the Control</p> <p>7 API or the Cloud Queue API; is that fair?</p> <p>8 MR. RICHTER: Object to form.</p> <p>9 THE WITNESS: I was not aware of any -- of</p> <p>10 any contractual agreement. 10:30:28</p> <p>11 BY MR. WILLIAMS:</p> <p>12 Q. You testified that as an engineering</p> <p>13 manager you were concerned whether you had the</p> <p>14 freedom to change it to meet your needs and</p> <p>15 specifications. 10:30:42</p> <p>16 Do you recall that?</p> <p>17 A. Yes.</p> <p>18 Q. And how were your -- or were your</p> <p>19 concerns, rather, ever alleviated?</p> <p>20 MR. RICHTER: Object to form. 10:30:54</p> <p>21 THE WITNESS: Well, we never published it</p> <p>22 while I was there, so it never really come -- came</p> <p>23 to fruition.</p> <p>24 BY MR. WILLIAMS:</p> <p>25 Q. And what do you mean you never published 10:31:17</p> <p style="text-align: right;">Page 61</p>

<p>1 it while you were there?</p> <p>2 A. We never published the API for -- we never</p> <p>3 opened it for other people to use during my tenure.</p> <p>4 So if I -- whatever -- if I had -- I don't remember</p> <p>5 if I had to -- you know, the -- I don't remember the 10:31:39</p> <p>6 state of my concern about that topic by the time I</p> <p>7 left.</p> <p>8 But since we never released it, I would</p> <p>9 never have had to, you know, come to any conclusion</p> <p>10 there. 10:31:55</p> <p>11 Q. Do you -- is -- is it your testimony,</p> <p>12 rather, that Sonos never used the -- the Cloud Queue</p> <p>13 or Control API that it used with Google with any</p> <p>14 other partner?</p> <p>15 A. No. 10:32:11</p> <p>16 MR. RICHTER: Object to form.</p> <p>17 BY MR. WILLIAMS:</p> <p>18 Q. No what?</p> <p>19 A. No, it's not -- that is not my testimony.</p> <p>20 Q. Okay. So you would agree with me, then, 10:32:18</p> <p>21 that Sonos did use the Cloud Queue or Control API</p> <p>22 that it collaborated on with Google with other</p> <p>23 partners; correct?</p> <p>24 MR. RICHTER: Object to form. Misstates</p> <p>25 testimony. 10:32:35</p> <p style="text-align: right;">Page 62</p>	<p>1 the question?</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. Sure.</p> <p>4 So even though you personally had concerns</p> <p>5 about ownership of the Cloud Queue or the Control 10:34:14</p> <p>6 API specifications in terms of who owned it between</p> <p>7 yourself and Google, Sonos nevertheless used</p> <p>8 portions of both of these specifications for</p> <p>9 internal development for the Spotify integration; is</p> <p>10 that accurate? 10:34:30</p> <p>11 MR. RICHTER: Same objections.</p> <p>12 THE WITNESS: Yes, that's accurate.</p> <p>13 BY MR. WILLIAMS:</p> <p>14 Q. Okay. And why did Sonos move forward</p> <p>15 using portions of the Cloud Queue API spec and the 10:34:48</p> <p>16 Control API spec for the Sonos -- for the Spotify</p> <p>17 integration without determining who was the rightful</p> <p>18 owner of both of those specifications?</p> <p>19 MR. RICHTER: Object to form. Calls for a</p> <p>20 legal conclusion. Misstates testimony. 10:35:09</p> <p>21 THE WITNESS: Yeah, I don't -- I don't</p> <p>22 have the context for that. I'm sorry.</p> <p>23 BY MR. WILLIAMS:</p> <p>24 Q. What do you mean by you "don't have the</p> <p>25 context"? 10:35:20</p> <p style="text-align: right;">Page 64</p>
<p>1 THE WITNESS: As I stated earlier, we used</p> <p>2 elements of those APIs with the Spotify integration</p> <p>3 as part of our internal development. I don't know</p> <p>4 if those interfaces were ever shared with Spotify.</p> <p>5 BY MR. WILLIAMS: 10:32:57</p> <p>6 Q. What portion -- or what elements of the</p> <p>7 Cloud Queue API did Sonos use for the Spotify</p> <p>8 integration as part of your internal development?</p> <p>9 MR. RICHTER: Object to form.</p> <p>10 THE WITNESS: I don't -- I don't recall 10:33:14</p> <p>11 specific details.</p> <p>12 BY MR. WILLIAMS:</p> <p>13 Q. Do you recall any general details?</p> <p>14 A. Only that the Cloud Queue and Control APIs</p> <p>15 were involved, but I don't remember the specifics. 10:33:28</p> <p>16 Q. Okay. So -- so even though you had</p> <p>17 concerns about ownership of the Cloud Queue or</p> <p>18 Control API spec in terms of who owned it between</p> <p>19 yourself and Google, Sonos nevertheless used</p> <p>20 portions of both of these specifications for 10:33:50</p> <p>21 internal development for the Spotify integration; is</p> <p>22 that accurate?</p> <p>23 MR. RICHTER: Object to form. Misstates</p> <p>24 the prior testimony.</p> <p>25 THE WITNESS: I'm sorry, would you restate 10:34:01</p> <p style="text-align: right;">Page 63</p>	<p>1 A. You asked why did Sonos. I don't -- I --</p> <p>2 it wasn't -- that wasn't a decision that I -- I</p> <p>3 don't know why --</p> <p>4 Q. I'll -- I'll rephrase the question.</p> <p>5 A. I can't speak to what everybody -- 10:35:32</p> <p>6 Q. That's fine.</p> <p>7 A. -- at Sonos -- everybody at Sonos</p> <p>8 understood.</p> <p>9 Q. Okay. As a -- as a senior software</p> <p>10 development manager, why did you move forward with 10:35:42</p> <p>11 using portions of the Cloud Queue API spec or the</p> <p>12 Control API spec for the Spotify integration without</p> <p>13 determining who was the rightful owner of both those</p> <p>14 specifications?</p> <p>15 MR. RICHTER: Object to form. 10:36:08</p> <p>16 THE WITNESS: The -- I understood that we</p> <p>17 had the -- liberty to use the API for -- for our</p> <p>18 development.</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. And what was the basis of that 10:36:53</p> <p>21 understanding?</p> <p>22 A. I don't recall specific conversations, but</p> <p>23 we -- I don't -- I don't recall. I don't recall</p> <p>24 where that came from specifically.</p> <p>25 Q. What about generally? 10:37:43</p> <p style="text-align: right;">Page 65</p>